

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
*Telephone: (301) 333-5032*

*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	758-BR-89
	Date:	Sept. 1, 1989
Claimant: Michael Berggren	Appeal No.:	8907214
	S. S. No.:	
Employer: Memorial Hospital at Eastern Maryland, Inc.	L.O. No.:	25
	Appellant:	EMPLOYER

Issue:

Whether the claimant failed, without good cause, to apply for or to accept available, suitable work, within the meaning of Section 6(d) of the law.

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— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

October 1, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

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— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner and concludes that the claimant failed, without good cause, to accept

suitable work when offered him, within the meaning of Section 6(d) of the law.

The job offered was as a stationary engineer, a job very similar to the claimant's prior employment with the employer as chief stationery engineer (which he had voluntarily left to accept other work in September, 1988). The difference was that this job paid \$9.94 per hour, as compared with \$11.50 per hour for chief, and presumably entailed little or no supervisory responsibilities. The claimant was clearly qualified for the position. The Board concludes that the offer was for suitable employment, within the meaning of Section 6(d).

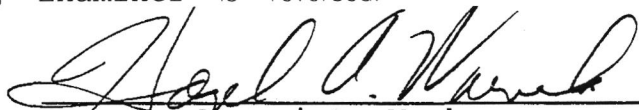
However, since the job did pay \$1.56 per hour less than the claimant's prior job with the employer, and the claimant had only been unemployed a short time when it was offered, the Board concludes that only a minimum penalty is appropriate.

The Board notes that there is some vague testimony that the job that the claimant held just prior to applying for unemployment insurance benefits, was with the Merchant Marines on a ship, at a substantially higher salary. However, since this was a very different type of job, of short duration, and since the claimant did not appear and give any testimony, a comparison of that job to the job offered here is not pertinent to a finding in this case.

#### DECISION

The claimant failed, without good cause, to accept suitable work when offered him, within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning May 14, 1989 and the four weeks immediately following.

The decision of the Hearing Examiner is reversed.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

HW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTON



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer*  
Governor  
*J. Randall Evans*  
Secretary

1100 North Eutaw Street  
Baltimore, Maryland  
21201  
(301) 333-5040

— DECISION —

Claimant:	Michael R. Berggren	Date:	Mailed: 7/12/89
		Decision No.:	8907214
		S. S. No.:	
Employer:	Memorial Hospital at Eastern Md., Inc.	L.O. No.:	025
		Appellant:	Employer

Issue: Whether the claimant failed, without good cause to apply for or to accept, available, suitable work, within the meaning of Section 6(d) of the Law.

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— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET. BALTIMORE CITY, MARYLAND, 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON July 27, 1989

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— APPEARANCES —

FOR THE CLAIMANT:

Claimant - Not Present

FOR THE EMPLOYER:

Cheryl Redman,  
Assistant Director  
of Human Resources  
and Jim Stuller,  
Unemployment Tax  
Service

FINDINGS OF FACT

The claimant filed a claim for unemployment insurance benefits establishing a benefit year beginning May 7, 1989 and a weekly benefit amount of \$205.00.

When one of the claimant's previous employers found that the claimant was drawing unemployment insurance benefits, he was

offered a position as a Stationery Engineer. This was because Memorial Hospital had a vacancy in a position in which the claimant was qualified. The claimant had previously worked for this employer from May 27, 1987 through September 16, 1988. When the claimant left that employment, he was a Power Plant Operator, earning \$11.50 per hour. He was acting in the capacity as Chief of their Power Plant. He resigned this job for another job in the Merchant Marines and was in good standing with that employer.

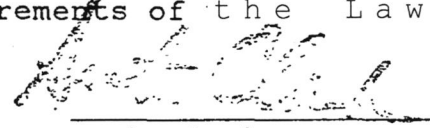
The job the claimant was offered paid \$9.94 per hour. The claimant declined the job because of salary considerations.

CONCLUSIONS OF LAW

The claimant should not be disqualified because he failed to apply for or accept available work, within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. Here, the claimant refused an offer of employment with a former employer. However, the job was not at the same salary as when he left that employment nor was the same job offered to him. While there is no question that the claimant was qualified for the job, the job offer paid \$1.50 an hour less then the job he left in good standing. Therefore, the determination of the Claims Examiner which imposed a five week penalty under Section 6(d) of the Law will be modified to reflect the fact that no penalty will be imposed.

DECISION

The claimant did not fail, without good cause, to apply for accept an offer of suitable work, within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. Benefits are allowed for the week beginning May 14, 1989, if he is otherwise eligible under the Law. The claimant may contact his Local Office concerning those eligibility requirements of the Law.



Seth Clark  
Hearing Examiner

Date of Hearing: June 27, 1989  
lr/Specialist ID: 25282/7214  
Copies mailed on July 12, 1989 to;

Claimant  
Employer  
Unemployment Insurance - Easton (MABS)